



Federal Communications Commission
Washington, D.C. 20554

September 22, 2009

DA 09-2092

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Frederick M. Joyce, Esq.
Venable LLP
575 7th Street, NW
Washington, DC 20004

Dear Mr. Joyce:

This letter dismisses a Motion for Stay Pending Review filed by Morris Communications, Inc. (Morris) with the Commission on March 12, 2008.¹ After filing an appeal of the Commission's *Memorandum Opinion and Order*² with the United States Court of Appeals for the District of Columbia Circuit, Morris sought a stay of that decision, which denied Morris's request for waiver of the automatic license cancellation rule, until the court had an opportunity to rule on the merits.³

On April 2, 2008, Morris filed a similar Motion for Stay with the Court of Appeals, which the court denied on May 19, 2008.⁴ The court held that Morris did not satisfy the stringent standards required for a stay pending court review.⁵ On May 12, 2009, the Court of Appeals also denied Morris's appeal on the merits, concluding that the Commission did not err in denying Morris's request for waiver of the automatic cancellation rule.⁶

Given that the Court of Appeals denied both Morris's Motion for Stay and its underlying appeal on the merits, we conclude that Morris's Motion is moot.

¹ Morris Communications, Inc., Motion for Stay Pending Review, filed March 12, 2008 ("Motion").

² Morris Communications, Inc., *Memorandum Opinion and Order*, 23 FCC Rcd 3179 (2008).

³ See Motion at 2.

⁴ *Morris Communications, Inc. v. FCC*, No. 08-1080, Order (D.C. Cir. May 19, 2008) (per curiam).

⁵ *Id.*

⁶ *Morris Communications, Inc. v. FCC*, 566 F.3d 184, 190-92 (D.C. Cir. 2009).

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Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. § § 151, 154(i), 154(j), 303(r), and the authority delegated pursuant to section 0.331 of the Commission's rules, as amended, 47 C.F.R. § 0.331, that Morris Communication, Inc.'s Request for Stay Pending Review filed on March 12, 2008 IS DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION

Margaret W. Wiener
Chief, Auctions and Spectrum Access Division
Wireless Telecommunications Bureau